

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NICHOLAS G. CAPOUS,

No. C-14-3157 EMC

Plaintiff,

v.

**ORDER REVOKING PLAINTIFF'S *IN*
FORMA PAUPERIS STATUS ON
APPEAL**

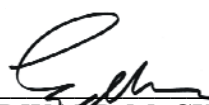
JOSEPHINE LOPEZ, *et al.*,

Defendants.

On November 10, 2014, the Court dismissed Plaintiff's action under 28 U.S.C. § 1915(e)(2) for failure to state a claim. Dkt. No. 17. Plaintiff has appealed the resulting judgment. The Ninth Circuit has referred to this Court the question of whether Plaintiff's *in forma pauperis* status should continue on appeal. For the reasons stated in this Court's prior dismissal order, the Court finds that Plaintiff's appeal to be frivolous and therefore not taken in good faith. *See* 28 U.S.C. § 1915(a)(2) ("An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith."); *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) (construing "in good faith" to mean "non-frivolous"). Accordingly, Plaintiff's *in forma pauperis* status is **REVOKED** on appeal.

IT IS SO ORDERED.

Dated: January 6, 2015


EDWARD M. CHEN
United States District Judge